

PATENT

Atty Docket No.: 200316080-1
App. Ser. No.: 10/772,318

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

By virtue of the amendments above, Claims 1, 11, 15, 19, 28, 33, 39, and 44 have been amended and Claims 2 and 10 have been canceled without prejudice or disclaimer of the subject matter contained therein. Accordingly, Claims 1, 3-9, and 11-48 are pending in the present application, of which Claims 1, 19, 33, and 39 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Personal Interview Conducted

The Examiner is respectfully thanked for the courtesies extended to the undersigned during the personal interview conducted on February 16, 2006. As discussed during that interview, U.S. Patent Application Serial No. 10/639,428, cited in the Official Action to reject Claims 1-6 and 10-48 under nonstatutory obviousness-type double patenting, fails to at least disclose a data collector configured to receive at least one condition information stored in at least one data storage device. In one regard, therefore, the rejection of Claims 1-6 and 10-48 as allegedly being unpatentable over the disclosure in the 10/639,428 application for patent is improper and should be withdrawn.

In addition, a subsequent Office Action should not be made final at least because of this error in the present Official Action. A more detailed discussion of the improprieties in the double patenting rejection is set forth herein below.

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Drawings

The indication that the drawings submitted on February 6, 2004 have been accepted is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102 or 35 U.S.C. §103(a)**Rejections**

Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0173877 to Zweig. In the alternative, 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zweig.

Claims 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0139110 to LaMarca et al. In the alternative, 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over LaMarca et al.

Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0173877 to Zweig. In the alternative, 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zweig.

Claims 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,283,380 to Nakanishi

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et al. In the alternative, 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakanishi et al.

Claims 5, 6, 12-14, 16-18, 20, 21, 24, 26-32, 34-38, and 43-46 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakanishi et al. in view of Zweig.

Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakanishi et al. in view of U.S. Paten No. 6,639,794 to Olarig et al.

Independent Claims

Claim 1 of the present invention, as amended, includes, *inter alia*, a plurality of sensor devices, at least one data storage device, an interface mechanism wired to the plurality of sensor devices, a data collector that is separate from the plurality of sensor devices, and a computer system interfaced with at least one upload condition, where the data collector is configured to be positioned near the at least one upload location and to communicate a stored at least one condition to the computer system through the at least one upload location.

Claim 19 of the present invention, as amended, includes, *inter alia*, positioning a plurality of sensor devices wired to at least one interface apparatus in various locations of the room, detecting at least one condition, storing the detected at least one condition in a data storage device, interfacing the data storage device with a data collector through the at least one interface apparatus, where the data collector is separate from the plurality of sensor devices, transferring the at least one condition to the data collector, moving the data collector to a location near an upload location of a computer system, and communicating the at least

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one condition from the data collector to the computer system through interface with the upload location.

Claim 33 of the present invention, as amended, includes, *inter alia*, means for positioning a plurality of means for detecting at least one condition in various locations of the room, means for storing the at least one condition detected by the means for detecting, means for interfacing the means for storing with a data collector, where the means for interfacing is wired to the plurality of means for detecting, and where the data collector is separate from the plurality of means for detecting at least one condition, means for transferring the stored at least one condition to the data collector, and means for communicating the at least one condition from the data collector to a means for controlling at least one environmental condition in the room.

Claim 39 of the present invention, as amended, pertains to a computer readable storage medium having a set of instructions for, *inter alia*, detecting at least one condition with a plurality of sensor devices, where the plurality of sensor devices are wired to at least one interface apparatus, storing the detected at least one condition in a data storage device, interfacing the data storage device with a data collector through the at least one interface apparatus, where the data collector is separate from the plurality of sensor devices, transferring the stored at least one condition to the data collector, moving the data collector to a location near an upload location of a computer system, and communicating the at least one condition from the data collector to the computer system through interface with the upload location.

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*Discussion of the Law*35 U.S.C. § 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

35 U.S.C. § 103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

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be found in the prior art and not based on applicant's disclosure.
In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

U.S. Patent Application Publication Serial No. 2002/0173877 to Zweig**Zweig Does Not Anticipate or Render Obvious Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47**

The Official Action asserts that Zweig allegedly anticipates or renders obvious Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47 of the present invention. More particularly, the Official Action asserts that Zweig discloses a mobile robot 1 having a web server and digital radio links. The Official Action also asserts that the "system" of Zweig includes "sensors 2, 5, 6, remote computer 4, telecommunications link 3 and interfaces 7, 8." (Official Action, page 2, par. 2).

As discussed in paragraph 56 of Zweig, the mobile robot 1 is disclosed as including an onboard camera 2, an external robotic arm 5, and an external camera 6. In addition, Figure 3 of Zweig shows that the onboard camera 2, the external robotic arm 5, and the external camera 6 are all connected to the chassis of the mobile robot 1. Zweig further discloses that the mobile robot 1 "can use its onboard sensors to monitor the progress of" a remote operation using external manipulators and external appliances. (Zweig, paragraph 43). As such, Zweig discloses that the sensors used to detect various conditions are positioned on the mobile robot 1.

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The Official Action does not indicate which elements in Zweig disclose which elements claimed in Claims 1, 19, 33, and 39 of the present invention. More particularly, the Official Action does not indicate which element in Zweig the Official Action has relied upon to disclose the claimed data storage device, interface mechanism, interface apparatus, and data collector. Although not clearly explained in the Official Action, it appears, however, that the mobile robot 1 is being considered as disclosing the claimed data collector.

Based at least upon this interpretation of the Official Action, it is respectfully submitted that Zweig fails to anticipate or render obvious independent Claims 1, 19, 33, and 39 and the claims that depend therefrom.

With respect to Claim 1, Zweig fails to disclose that a plurality of sensors are positioned at various locations in a room and that the plurality of sensors are wired to an interface apparatus comprising an interface mechanism configured to be interfaced with a data collector to transfer collected information. Zweig also fails to disclose that the data collector is separate from the plurality of sensor devices. Instead, Zweig discloses that sensors 2, 5, 6 are positioned on a mobile robot 1 and are therefore directly wired to the mobile robot 1. In one regard, therefore, Zweig does not require the use of an interface apparatus and an interface mechanism that are separate from the data collector. In addition, Zweig fails to disclose that at least one condition is detected and stored remotely from the data collector and that the data collector is configured to receive the detected at least one condition from the remote location.

With respect to Claim 19, Zweig fails to disclose that a plurality of sensor devices wired to at least one interface apparatus are positioned in various locations of the room, that a detected condition is stored in a data storage device, that the data storage device is interfaced

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with a data collector through the at least one interface apparatus, where the data collector is separate from the plurality of sensor devices, that the detected condition is transferred to the data collector, that the data collector is moved to a location near an upload location of a computer system, and that the detected condition is communicated to the computer system through interface with the upload location. As discussed above with respect to Claim 1, Zweig discloses that the sensors 2, 5, 6 are wired to the mobile robot 1 and the sensors 2, 5, 6 are thus not separate from the mobile robot 1. As such, the mobile robot 1 does not require the use of at least one interface apparatus for transferring information stored on the data storage device to the mobile robot 1. Instead, information detected by the sensors 2, 5, 6 are communicated directly to the mobile robot 1. In addition, therefore, Zweig fails to disclose that a plurality of sensor devices are positioned in various locations of a room.

With respect to Claim 33, Zweig fails to disclose, for instance, that a means for interfacing a means for storing with a data collector is wired to a plurality of means for detecting and that the data collector is separate from the plurality of means for detecting. Instead, Zweig discloses that the sensors 2, 5, 6 are supported on and wired to the mobile robot 1.

With respect to Claim 39, Zweig fails to disclose a set of computer executable instructions including, for instance, detecting at least one condition with a plurality of sensor devices wired to at least one interface apparatus, storing the at least one condition in a data storage device, interfacing the data storage device with a data collector through the at least one interface apparatus, where the data collector is separate from the plurality of sensor devices, transferring the stored at least one condition to the data collector, moving the data collector to a location near an upload location of a computer system, and communicating the

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at least one condition from the data collector to the computer system through interface with the upload location.

For at least the foregoing reasons, it is respectfully submitted that Zweig fails to disclose each and every element claimed in Claims 1, 19, 33, and 39 of the present invention. In addition, the Official Action has not presented arguments as to how Zweig could reasonably be modified to disclose the elements missing from Claims 1, 19, 33, and 39 and has thus failed to prove that these claims are *prima facie* obvious in view of the disclosure contained in Zweig. As such, Zweig cannot anticipate nor render obvious, Claims 1, 19, 33, and 39.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 19, 33, and 39 and to allow these claims.

Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are also allowable over Zweig at least by virtue of their respective dependencies upon allowable independent Claims 1, 19, 33, and 39. Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are allowable over Zweig for additional reasons. For instance, because Zweig discloses that the sensors 2, 5, 6 are carried on the mobile robot 1, Zweig fails to disclose that the sensors are positioned at various heights on a pole and that the sensors are positioned in various locations of a room. In addition, Zweig fails to disclose that the mobile robot 1 is configured to grasp and move the pole to the various locations.

Rejection of Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47
Under 35 U.S.C. § 103(a) Is Clearly Improper

This rejection is improper because the Official Action has failed to even discuss how the Zweig disclosure could possibly be modified to teach any of the elements claimed in

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Claims 1-6, 8-12, 14, 19-21, 23-29, 31, 33-35, 38-45, and 47. In addition, therefore, the Official Action has failed to provide any suggestion or motivation for modifying Zweig. In fact, it is not at all clear as to why an obviousness rejection based upon Zweig was presented in the Official Action. Should the Examiner maintain this rejection, the Examiner is respectfully requested to provide some basis or reasoning for setting forth this rejection.

For at least the foregoing reasons, the Official Action has failed to establish a *prima facie* case of obviousness and the rejection based upon alleged obviousness is clearly improper and should be withdrawn.

U.S. Patent Application Publication Serial No. 2004/0139110 to LaMarca et al.**La Marca et al. Does Not Anticipate or Render Obvious Claims 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47**

The Official Action asserts that LaMarca et al. allegedly anticipates or renders obvious Claims 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47 of the present invention. This rejection is respectfully traversed for at least the following reasons.

LaMarca et al. pertains to a sensor network control and calibration system having a mobile robotic service unit 20 and various sensor platforms 41. The mobile robotic service unit 20 includes an associated calibrated sensor 22. LaMarca et al. discloses that both the mobile robotic service unit 20 and the sensor platforms 41 are connected by wireless or wired link to a computer system 30. (LaMarca et al., par. 9). In that same paragraph, LaMarca et al. also discloses that "[c]ooperation between the robotic service unit 20, sensor platforms 41, and computer system 30 permits operation of the robotic service unit 20 to calibrate sensors on the sensor platforms 41 with respect to one or more calibrated sensors mounted on the

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robotic service unit." LaMarca et al. therefore discloses that the conditions detected by the sensors of the sensor platforms 41 are directly communicated to the computer system 30 and that the calibrated sensor 22 of the mobile robotic service unit 20 is used to calibrate the sensors of the sensor platforms 41.

In addition, LaMarca et al. discloses that the sensors of the sensor platforms 41 are calibrated by comparing the data obtained by the sensors of the sensor platforms 41 and the data obtained by the calibrated sensor 22 of the mobile robotic device service unit 20. (LaMarca et al., par. 10). The computer system 30 calibrates the sensors of the sensor platforms 41 based upon the data received directly from the sensor platforms 41 and the calibrated sensor 22.

With respect to Claim 1, therefore, LaMarca et al. fails to disclose that the sensor platforms 41 are not in direct communication with the computer system 30. In addition, LaMarca et al. fails to disclose that the sensor platforms 41 are wired to an interface apparatus comprising an interface mechanism. LaMarca et al. also fails to disclose a data collector for interfacing with the interface mechanism to receive detected condition information from a data storage device through the interface mechanism and where the data collector is configured to communicate the detected condition information to a computer system. Instead, LaMarca et al. discloses that condition information detected by the sensor platforms 41 are directly communicated to the computer system 30 through the wireless or wired links 42.

With respect to Claim 19, LaMarca et al. fails to disclose that the sensor platforms 41 are wired to at least one interface apparatus, that at least one condition detected by the sensor platforms 41 are stored in a data storage device, that the data storage device is interfaced with

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a data collector through the at least one interface apparatus, that the at least one condition is transferred to the data collector from the data storage device, that the data collector is moved to a location near an upload location of the computer system, and that the at least one condition is communicated to the computer through the upload location. Instead, LaMarca et al. discloses that both the sensor platform 41 and the mobile robotic service unit 20 are connected by wireless or wired links 42 to the computer system 30. As such, the mobile robotic service unit 20 is not required to receive information from a data storage device and to reposition itself near an upload location of a computer system to communicate the received information.

With respect to Claim 33, LaMarca et al. fails to disclose, for instance, means for interfacing a means for storing with a data collector, where the means for interfacing is wired to a plurality of means for detecting. LaMarca et al. also fails to disclose means for transferring the stored at least one condition to the data collector and means for communicating the at least one condition from the data collector to a means for controlling at least one environmental condition in the room, where the plurality of means for detecting are not in direct communication with the means for controlling. Instead, LaMarca et al. discloses that the sensor platforms 41 and the mobile robotic service unit 20 are connected by wireless or wired links 42 to the computer system 30. As such, the mobile robotic service unit 20 is not required to receive information from a data storage device and to reposition itself near an upload location of a computer system to communicate the received information.

With respect to Claim 39, LaMarca et al. fails to disclose a set of computer executable instructions including, for instance, detecting at least one condition with a plurality of sensor devices wired to at least one interface apparatus, storing the at least one

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condition in a data storage device, interfacing the data storage device with a data collector through the at least one interface apparatus, where the data collector is separate from the plurality of sensor devices, transferring the stored at least one condition to the data collector, moving the data collector to a location near an upload location of a computer system, and communicating the at least one condition from the data collector to the computer system through interface with the upload location. Instead, LaMarca et al. discloses that the sensor platforms 41 and the mobile robotic service unit 20 are connected by wireless or wired links 42 to the computer system 30, such that detected conditions are directly communicated from the sensor platforms 41 to the computer system 30.

For at least the foregoing reasons, it is respectfully submitted that LaMarca et al. fails to disclose each and every element claimed in Claims 1, 19, 33, and 39 of the present invention. In addition, the Official Action has not presented arguments as to how and why LaMarca et al. could reasonably be modified to disclose the elements missing from Claims 1, 19, 33, and 39 and has thus failed to prove that these claims are *prima facie* obvious in view of the disclosure contained in LaMarca et al. As such, LaMarca et al. cannot anticipate nor render obvious, Claims 1, 19, 33, and 39.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 19, 33, and 39 and to allow these claims.

Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are also allowable over LaMarca et al. at least by virtue of their respective dependencies upon allowable independent Claims 1, 19, 33, and 39. Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are allowable over LaMarca et al. for additional reasons. For instance, LaMarca et al. fails to disclose that the mobile robotic

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service unit 20 is configured to grasp and move a pole containing a plurality of sensor devices to various locations in a room.

Rejection of Claims 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47 Under 35 U.S.C. § 103(a) Is Clearly Improper

This rejection is improper because the Official Action has failed to even discuss how the LaMarca et al. disclosure could possibly be modified to teach any of the elements claimed in Claims 1-6, 8-12, 14, 19-29, 31, 33-35, 38-45, and 47. In addition, therefore, the Official Action has failed to provide any suggestion or motivation for modifying LaMarca et al. In fact, it is not at all clear as to why an obviousness rejection based upon LaMarca et al. was presented in the Official Action. Should the Examiner maintain this rejection, the Examiner is respectfully requested to provide some basis or reasoning for setting forth this rejection.

For at least the foregoing reasons, the Official Action has failed to establish a *prima facie* case of obviousness and the rejection based upon alleged obviousness is clearly improper and should be withdrawn.

U.S. Patent No. 6,283,380 to Nakanishi et al.

Nakanishi et al. Does Not Anticipate or Render Obvious Claims 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48

The Official Action asserts that Nakanishi et al. allegedly anticipates or renders obvious Claims 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48 of the present invention. In setting forth the rejection, the Official Action asserts that Nakanishi et al. discloses an air

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condition system having "sensors S1-S9, airflow rate and direction detector, air conditioner control circuit 78, local computer 70, input/output port 74, airflow control circuit 76, LAN and remote PC 82." The Official Action also asserts that Nakanishi et al. performs a simulation on "the basis of the detected temperatures and the current airflow rate and airflow directions." The Official Action further asserts that "[s]ensor locations are design choice based on the layout of the environment." (Official Action, pages 3-4, par. 4).

The Official Action fails to address whether Nakanishi et al. discloses a number of elements claimed in Claims 1, 19, 33, and 39. For instance, the Official Action does not indicate where Nakanishi et al. discloses that the conditions detected by a plurality of sensing devices are stored in at least one data storage device and that a data collector interfaces with an interface mechanism to receive the detected conditions stored in the at least one data storage device as originally claimed in various forms in Claims 1, 19, 33, and 39.

In addition, Nakanishi et al. now also fails to disclose that the plurality of sensor devices are wired to an interface apparatus comprising the interface mechanism. In addition, Nakanishi et al. fails to disclose that the data collector is configured to communicate the stored condition information to a computer system while being positioned near at least one upload location interfaced with the computer system as claimed in Claims 1, 19, and 39. Moreover, Nakanishi et al. fails to disclose means for performing the above-described functions as claimed in Claim 33.

For at least the foregoing reasons, it is respectfully submitted that Nakanishi et al. fails to disclose each and every element claimed in Claims 1, 19, 33, and 39 of the present invention. In addition, the Official Action has not presented arguments as to how Nakanishi et al. could reasonably be modified to disclose the elements missing from Claims 1, 19, 33,

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and 39 and has thus failed to prove that these claims are *prima facie* obvious in view of the disclosure contained in Nakanishi et al. As such, Nakanishi et al. cannot anticipate nor render obvious, Claims 1, 19, 33, and 39.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 19, 33, and 39 and to allow these claims.

Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are also allowable over Nakanishi et al. at least by virtue of their respective dependencies upon allowable independent Claims 1, 19, 33, and 39. Claims 3-9, 11-18, 20-32, 34-38, and 40-48 are allowable over Nakanishi et al. for additional reasons.

Rejection of Claims 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48 Under 35 U.S.C. § 103(a) Is Clearly Improper

This rejection is improper because the Official Action has failed to even discuss how the Nakanishi et al. disclosure could possibly be modified to teach any of the elements claimed in Claims 1-4, 8-11, 15, 19, 22, 23, 25, 33, 39-42, 47, and 48. In addition, therefore, the Official Action has failed to provide any suggestion or motivation for modifying Nakanishi et al. In fact, it is not at all clear as to why an obviousness rejection based upon Nakanishi et al. was presented in the Official Action. Should the Examiner maintain this rejection, the Examiner is respectfully requested to provide some basis or reasoning for setting forth this rejection.

For at least the foregoing reasons, the Official Action has failed to establish a *prima facie* case of obviousness and the rejection based upon alleged obviousness is clearly improper and should be withdrawn.

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Nakanishi et al. in view of Zweig

The Official Action asserts that the combined disclosures of Nakanishi et al. and Zweig allegedly renders obvious Claims 5, 6, 12-14, 16-18, 20, 21, 24, 26-32, 34-38, and 43-46 of the present invention. This rejection is respectfully traversed because Nakanishi et al. and Zweig, considered singly or in combination, fail to at least disclose the features claimed in independent Claims 1, 19, 33, and 39.

As discussed herein above, neither Nakanishi et al. nor Zweig discloses all of the features of independent Claims 1, 19, 33, and 39, to which each of Claims 5, 6, 12-14, 16-18, 20, 21, 24, 26-32, 34-38, and 43-46 respectively depend. As such, the proposed combination of Nakanishi et al. and Zweig would also fail to disclose each of the elements claimed in Claims 1, 19, 33, and 39. The Official Action has therefore failed to establish a *prima facie* case of obviousness based upon the disclosures contained in Nakanishi et al. and Zweig.

The Examiner is therefore respectfully requested to withdraw the rejection of Claims 5, 6, 12-14, 16-18, 20, 21, 24, 26-32, 34-38, and 43-46 and to allow these claims at least by virtue of their respective dependencies upon allowable Claims 1, 19, 33, and 39.

Nakanishi et al. in view of U.S. Patent No. 6,639,794 to Olarig et al.

The Official Action asserts that the combined disclosures of Nakanishi et al. and Olarig et al. allegedly renders obvious Claim 7 of the present invention. This rejection is respectfully traversed because Nakanishi et al. and Olarig et al., considered singly or in combination, fail to at least disclose the features claimed in independent Claim 1.

As discussed above, Nakanishi et al. fails to disclose the features of independent Claim 1. In addition, the Official Action relies solely upon Olarig et al. for its alleged

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disclosure that "airflow and temperature sensor are interchangeable on the rack in the same field of endeavor for the purpose of collect data." As such, the Official Action does not rely upon Olarig et al. to make up for the above-described deficiencies in Nakanishi et al. Moreover, Olarig et al. does not and can not be reasonably construed as making up for the deficiencies in Nakanishi et al. discussed above.

The proposed combination of Nakanishi et al. and Olarig et al., therefore, fails to disclose all of the features in independent Claim 1 and depending Claim 7. The Examiner is therefore respectfully requested to withdraw the rejection of Claim 7 and to allow this claim at least by virtue of its dependence upon allowable Claim 1.

Double Patenting***Application Serial No. 10/639,428***

Claims 1-6 and 10-48 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over Claims 7, 13-15, 26-39, and 46 of copending Application Serial No. 10/639,428 (hereinafter the "'428 Application"). In setting forth this rejection, the Official Action alleges that Claims 7, 13-15, 26-39, and 46 of the '428 Application discloses all of the features claimed in Claims 1-6 and 10-48 of the present invention on the basis that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because sensors, data storage, robotic device, transmitting device, cooling system, network and computer are claimed in these applications." (Official Action, page 5, paragraph 9).

The above-described basis for rejecting Claims 1-6 and 10-48 is clearly improper for at least the following reasons. For instance, Claims 7, 13-15, 26-39, and 46 of the '428

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Application does not disclose an interface mechanism for enabling communication of at least one condition stored in at least one data storage device, an interface mechanism for enabling communication of the stored at least one condition to a data collector configured to interface with the interface mechanism as originally claimed in Claim 1 of the present invention. In addition, the '428 Application also fails to disclose that a data collector is interfaced with a data storage device through at least one interface apparatus to receive at least one condition stored in the data storage device, moving the data collector to a location near an upload location of a computer system and communicating the at least one condition from the data collector to the computer system through the upload location as claimed in Claims 19 and 39 of the present invention. Moreover, the '428 Application fails to disclose means for performing the above-described functions as claimed in Claim 33.

The double-patenting rejection is also clearly improper because the Official Action clearly admits that there are differences between the claimed invention and the claims contained in the '428 Application. (See Official Action, page 5, paragraph 9). The Official Action, however, does not present any arguments as to how or why the '428 Application could be modified to include each and every element of Claims 1-6 and 10-48 of the present invention. As such, the Official Action has failed to establish that Claims 1-6 and 10-48 of the present invention are *prima facie* obvious in view of Claims 7, 13-15, 26-39, and 46 the '428 Application.

For at least the foregoing reasons, the Examiner is respectfully requested to withdraw the nonstatutory obviousness-type double patenting rejection of Claims 1-6 and 10-48 based upon Claims 7, 13-15, 26-39, and 46 the '428 Application.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 13, 2006

By



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